

DOCKET NO. 5:17-cv-00036-FDW-DSC

Plaintiff,

THE H.T. HACKNEY CO.,

Defendant.

THIS MATTER is before the Court sua sponte as to the status of this case. Currently pending before the Court is Defendant's Motion for Summary Judgment (Doc. No. 25), Defendant's Motions In Limine (Docs. Nos. 34, 35), and docket call, which is presently set for May 6, 2019.


In continuing to review the facts and applicable law raised by Defendant’s Motion for Summary Judgment, as well as Plaintiff’s response objecting thereto, the Court finds that a stay in this matter is appropriate in this matter. Ultimately, the Court recognizes the arguments hinge on a question that has led to a circuit split, and there are currently two petitions for writs of certiorari pending before the Supreme Court. Bostock v. Clayton County Board of Commissioners, 723 F. App’x 964 (11th Cir. 2018) (upholding a prior ruling that rejected a cause of action for sexual orientation discrimination under Title VII), cert. pending No. 17-1618; Zarda v. Altitude Express, Inc., 883 F.3d 100, 108 (2nd Cir. 2018) (holding that “Title VII prohibits discrimination on the basis of sexual orientation as discrimination because of sex”), cert. pending No. 17-1623 (internal quotations omitted).

IT IS THEREFORE ORDERED that this matter is hereby STAYED pending decision of the United States Supreme Court in the above-referenced matters. Following a ruling on the pending petitions, the parties may provide any appropriate supplemental briefing to the pending motions for summary judgment. Any supplemental briefing shall be due no later than twenty-one (21) days from the date of the Supreme Court's decision and shall be no more than 1,500 words. The Court will also consider at that time whether the Supreme Court's decision to grant or deny the petition warrants a further stay this matter.

IT IS ALSO ORDERED that Defendant's Motions in Limine (Docs. Nos. 34, 35) are hereby DENIED AS MOOT without prejudice to be refiled following this Court's decision on the pending motion for summary judgment.

IT IS SO ORDERED.

Signed: April 17, 2019


Frank D. Whitney
Chief United States District Judge

